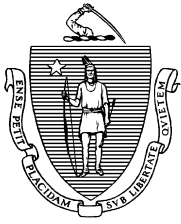


SENATE, No. 2716



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT TO CREATE A STATE 911 DEPARTMENT, SINGLE 911 SURCHARGE AND AN ENHANCED 911 FUND

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

- 1 **SECTION 1.** Section 18 of chapter 6A of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by striking out, in line __, the words “statewide emergency
3 telecommunications board” and inserting in place thereof the following words:- state 911
4 department.
- 5 **SECTION 2.** Said chapter 6A is hereby amended by striking out section 18A, as so appearing,
6 and inserting in place thereof the following section:-
- 7 Section 18A. As used in this section, in sections 18B to 18J, inclusive, of this chapter, and in
8 section 14A of chapter 166, the following words shall have the following meanings:
- 9 “Automatic number identification”, an enhanced 911 service capability that allows for the
10 automatic display of a telephone number used to place or route a 911 call.

11 “Automatic location identification”, an enhanced 911 service capability that allows for the
12 automatic display of information relating to the geographical location of the communication
13 device used to place a 911 call.

14 “Commission”, the state 911 commission.

15 “Communication services” includes any of the following: (a) the transmission, conveyance, or
16 routing of real-time, two-way voice communications to a point or between or among points by
17 or through any electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other
18 medium or method, regardless of the protocol used; (b) the ability to provide two-way voice
19 communication on the public switched network; (c) wireless enhanced 911 service; (d) wireline
20 enhanced 911 service; (e) interconnected VoIP provider service as defined by the regulations of
21 the Federal Communications Commission regulations ; (f) IP-enabled service capable of
22 interconnecting with the enhanced 911 system; or (g) prepaid wireless service.

23 “Communication Service Provider”, an entity that provides communication services to a
24 subscriber or end user.

25 “Department”, the state 911 department.

26 “Director”, the executive director of the state 911 department.

27 “Emergency medical dispatch” the management of requests for emergency medical assistance
28 by utilizing a system of (a) tiered response or priority dispatching of emergency medical
29 resources based on the level of medical assistance needed by the victim, and (b) prearrival first
30 aid or other medical instructions given by trained personnel who are responsible for receiving
31 911 calls and directly dispatching emergency response services.

32 “End user”, a person who uses communication services.

33 “Enhanced 911 fund”, the fund established and set up on the books of the commonwealth under
34 section 35GG of chapter 10 of the General Laws.

35 “Enhanced 911 service provider”, any entity that provides one or more of the following 911
36 elements: network, database, or public safety answering point customer premises equipment.

37 “Enhanced 911 service”, a service consisting of communication network, database, and
38 equipment features provided for subscribers or end users of communication services enabling
39 such subscribers or end users to reach a public safety answering point by dialing the digits 911,
40 or by other means approved by the department, that directs calls to appropriate public safety
41 answering points based on selective routing and also provides the capability for automatic
42 number identification and automatic location identification.

43 “Enhanced 911 network features”, the components of enhanced 911 service that provide
44 selective routing, automatic number identification and automatic location identification.

45 “Enhanced 911 systems”, a distinct entity or geographical segment in which enhanced 911
46 service is provided, consisting of network routing elements serving as a control office and
47 trunking connecting all central offices within a geographical segment, and including public
48 safety answering points and network used to deliver location data to public safety answering
49 points from a data base.

50 “FCC”, the Federal Communications Commission.

51 “FCC Order”, all orders issued by the FCC pursuant to the proceeding entitled “Revision of the
52 Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems”
53 (CC Docket No. 94-102; RM 8143), or any successor proceeding, including all other criteria
54 established therein, regarding the delivery of wireless enhanced 911 service by a wireless
55 carrier, and all orders issued by the FCC pursuant to the proceeding entitled “In the Matter of
56 IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers”(WC Docket No
57 05-196), or any successor proceeding, including all other criteria established therein, regarding
58 the delivery of enhanced 911 service by an IP-enabled service provider.

59 “Governmental body” shall include any governmental body as defined in section 11A of chapter
60 30A or section 23A or chapter 39 of the General Laws.

61 “Interconnected VoIP” provider service, voice over the internet protocol services as defined by
62 the FCC in 47 CFR 9.3.

63 “IP-enabled services”, services, devices, or applications making use of Internet Protocol (“IP”)
64 including, but not limited to, voice over IP and other services, devices, or applications provided
65 through or using wireline, cable, wireless, or satellite facilities or any other facility that may be
66 provided in the future that are capable of interconnecting users with the enhanced 911 system by
67 dialing or entering the digits 911, or by other means approved by the department, to public
68 safety answering points.

69 “Local exchange service”, telephone exchange lines or channels that provide local access from
70 the premises of a subscriber in this state to the local telecommunications network to effect the
71 transfer of information.

72 “Municipality”, any city or town in the commonwealth.

73 “Network components”, any software or hardware for a control switch, other switch
74 modification, trunking or any components of the computer storage system or database used for
75 selective routing of 911 calls, automatic number identification and automatic location
76 identification, including a public safety answering point.

77 “Next generation 911”, an enhanced 911 system that incorporates the handling of all 911 calls
78 and messages, including those using IP-enabled services or other advanced communications
79 technologies in the infrastructure of the 911 system itself.

80 “Prepaid wireless telephone service”, wireless service that is activated in advance by payment
81 for a finite dollar amount of service or minutes that terminates either upon use by a customer
82 and delivery by the wireless provider of an agreed-upon amount of service or minutes, unless
83 the customer makes additional payments.

84 “Prepaid wireless telephone service provider”, an entity providing prepaid wireless telephone
85 service at retail or wholesale.

86 “Public safety department”, a functional division of a municipality or the state that provides fire
87 fighting, law enforcement, ambulance, medical or other emergency services.

88 “Private safety department”, an entity, except for a municipality or a public safety department,
89 that provides emergency police, fire, ambulance or medical services.

90 “Public safety answering point” or “PSAP”, a facility assigned the responsibility of receiving
91 911 calls and, as appropriate, directly dispatching emergency response services or transferring
92 or relaying emergency 911 calls to other public or private safety agencies or other public safety
93 answering points.

A “primary public safety answering point” is equipped with automatic number identification and automatic location identification displays, and is the first point of reception of a 911 call. It serves the municipality in which it may be located.

A “secondary public safety answering point” is equipped with automatic number identification and automatic location identification displays. It receives 911 calls only when they are transferred from the primary public safety answering point or on an alternative routing basis when calls cannot be completed to the primary public safety answering point.

A “limited secondary public safety answering point” is equipped, at a minimum, with automatic number identification and automatic location identification displays or printout capability. It receives 911 calls only when they are transferred from the primary public safety answering point. Data sent to a limited secondary public safety answering point cannot be re-routed to another location and may not necessarily be transmitted simultaneously with the voice call.

A “ringing public safety answering point” is equipped for receipt of voice communications only, and may not operate 24 hours each day. It receives 911 calls that are transferred from the primary public safety answering point.

A “regional public safety answering point” is operated by or on behalf of two or more municipalities or governmental bodies, or combination thereof, approved by the department, for the operation of enhanced 911 call taking and call transfer activities. A regional public safety answering point may also be engaged in, by agreement, the dispatching or control of public safety resources serving some or all of the municipalities

or governmental bodies that comprise the regional public safety answering point, including where services are provided by a private safety department. If the regional public safety answering point serves all such municipalities or governmental bodies for the operation of enhanced 911 call taking and call transfer activities and dispatch services including where dispatch services are provided by a private safety department, then it shall be considered a regional emergency communication center for the purposes of section 18B of this chapter. The regional public safety answering point shall be equipped with automatic number identification and automatic location identification displays, as approved by the department, and is the first point of reception of a 911 call.

“PSAP Customer premises equipment”, enhanced 911 call processing equipment located at a public safety answering point.

“Regional emergency communication center”, a facility operated by or on behalf of two or more municipalities or governmental bodies, or combination thereof, as approved by the department, who enter into an agreement for the establishment and provision of regional dispatch and coordination of emergency services for all such municipalities or governmental bodies, including but not limited to a regional public safety answering point that provides enhanced 911 service, and police, fire protection, and emergency medical services dispatch, including where such services are provided by a private safety department. The regional public safety answering point portion of the center shall be equipped with automatic number identification and automatic location identification displays, as approved by the department, and is the first point of reception of a 911 call.

137 “Regional secondary public safety answering point”, a facility operated by or on behalf of three
138 or more municipalities or governmental bodies, or a combination thereof, approved by the
139 department, who enter into an agreement for the establishment and provision of regional
140 dispatch and coordination of either or any combination of police, fire protection, or emergency
141 medical services. A regional secondary public safety answering point is equipped with
142 automatic number identification and automatic location identification displays. It receives 911
143 calls only when they are transferred from a primary or regional public safety answering point or
144 on an alternative routing basis when calls cannot be completed to the primary or regional public
145 safety answering point.

146 “Retail”, sales by a prepaid wireless telephone service provider directly to the end user or to a
147 non-prepaid wireless telephone service provider through a voluntary contractual relationship in
148 which the service is sold directly to the end user on behalf of the prepaid wireless telephone
149 service provider.

150 “Selective routing”, the method to direct 911 calls to the appropriate public safety answering
151 point using a call routing database derived from the geographical location from which the call
152 originated.

153 “State police”, the Massachusetts department of state police.

154 “Subscriber”, a person who uses communication services.

155 “Telephone company”, a person, firm, corporation, association or joint stock association or
156 company, as defined in chapter 159 of the General Laws, furnishing or rendering local
157 telephone exchange service.

158 “VoIP or Voice over Internet Protocol”, a type of IP-enabled service that allows for the two-
159 way real time transmission of voice communications that also has access to the public switched
160 network.

161 “Wholesale”, sales by the prepaid wireless telephone service provider to a non-prepaid wireless
162 telephone service provider who sells service on behalf of the prepaid wireless telephone service
163 provider.

164 “Wireless carrier”, a commercial mobile radio service, as defined in 47 U.S.C. section 332(d),
165 including resellers and prepaid providers of wireless services.

166 “Wireless enhanced 911 service”, the service required to be provided by wireless carriers
167 pursuant to the FCC Order.

168 “Wireless state police public safety answering point”, a state police facility assigned the
169 responsibility of primarily or entirely receiving wireless 911 calls and, as appropriate, directly
170 dispatching emergency response services or transferring or relaying emergency 911 calls to
171 other public or private safety departments or other public safety answering points.

172 “Wireline carrier”, an incumbent local exchange carrier or local exchange carrier operating in
173 the commonwealth, or a telephone company as defined in this section, or any other person,
174 corporation or entity that provides local exchange service.

175 “Wireline enhanced 911 service”, service provided by a wireline carrier that connects a
176 subscriber dialing or entering the digits 911 to a public safety answering point.

177

178 **SECTION 3.** Said chapter 6A is hereby amended by striking out section 18B, as so appearing,
179 and inserting in place thereof the following section:-

180 Section 18B. (a) There shall be, within the executive office of public safety and security, a state
181 911 department. The secretary of public safety and security shall, with the advice of the
182 commission, appoint and, subject to appropriation or funds otherwise available from other
183 sources, fix the salary of an executive director of the department. Said director shall be
184 responsible for administering, directing and managing the affairs and business of the
185 department, and for the appointment and supervision of all personnel at the department. The
186 director shall not be subject to the provisions of section 9A of chapter 30 or the provisions of
187 chapter 31, but shall be classified in accordance with section 45 of said chapter 30 and the
188 salary shall be determined in accordance with section 46C of said chapter 30. The executive
189 director may appoint such other employees, including experts and consultants, as he deems
190 necessary, subject to appropriation or available funds, to carry out the department's
191 responsibilities.

192 (b) There shall be, within the executive office of public safety and security, a state 911
193 commission to provide strategic oversight and guidance to the department, and advise the
194 department on its annual budget and all materials changes to that budget and in all matters
195 regarding enhanced 911 service in the commonwealth. The commission shall consist of the
196 secretary of public safety and security, who shall serve as chairperson of the commission; the
197 chief information officer of the information technology division; the colonel of state police; the
198 state fire marshal; the police commissioner of the city of the Boston; the director of the
199 Massachusetts Office on Disability; the commissioner of the Massachusetts Department of
200 Public Health; the commissioner of the Massachusetts Commission for the Deaf and Hard of

201 Hearing; and 9 members to be appointed by the governor, 1 of whom shall be a sitting police
202 chief and a nominated representative of the Massachusetts Chiefs of Police Association, 1 of
203 whom shall be a sitting police chief and a nominated representative of the Massachusetts Major
204 City Chiefs Association, 2 of whom shall be sitting fire chiefs and nominated representatives of
205 the Massachusetts Fire Chiefs Association, 1 of whom shall be a nominated representative of
206 the Professional Fire Fighters of Massachusetts, 1 of whom shall be a nominated representative
207 of the Massachusetts Sheriffs Association, 1 of whom shall be a nominated representative of the
208 Massachusetts Municipal Association, 1 of whom shall be a nominated representative of the
209 Massachusetts Emergency Medical Care Advisory Board, and 1 of whom shall be a manager or
210 supervisor of a public safety answering point and a nominated representative of the
211 Massachusetts Communication Supervisors Association. One of the governor's appointees shall
212 be elected annually by the commission as its vice chairperson. Members of the commission
213 shall be appointed for terms of 3 years with no limit on the number of terms they may serve.
214 Members shall hold office until a successor is appointed and no member shall serve beyond the
215 time he ceases to hold the office or employment that made him eligible for appointment to the
216 commission. The commission shall meet at least twice annually, and at other times as necessary.
217 A meeting of the commission may be called by its chairperson, the vice chairperson or 3 of its
218 members. A quorum for the transaction of business shall consist of 7 members. Members of the
219 commission shall receive no compensation, but shall be reimbursed for their expenses actually
220 and necessarily incurred in the discharge of their duties. The commission shall review and
221 approve by a majority vote of those members present all formulas, percentages, guidelines or
222 other mechanisms used to distribute the grants described in section 18B of this chapter, and all
223 major contracts for enhanced 911 services that the department proposes to enter into. The

224 commission shall review and approve by a majority vote of those members present all
225 regulations and standards proposed by the department.

226 (c) There shall be established a policy advisory committee for the sole purpose of advising the
227 state 911 commission and state 911 department on pertinent subject matter with respect to
228 enhanced 911 service, enhanced 911 systems and enhanced 911 network features. The advisory
229 board shall consist of 5 members, of whom shall represent an incumbent local exchange
230 carrier, 1 of whom shall represent a competitive local exchange carrier registered in the
231 Commonwealth of Massachusetts, 1 of whom shall represent a PSAP customer premises
232 equipment provider, 1 of whom shall represent an interconnected VoIP provider, and 1 of whom
233 shall represent a wireless carrier. Members of the advisory board shall be residents of the state
234 and shall be appointed by the Governor from a list of qualified candidates provided by industry
235 representatives for terms of 3 years with no limit on the number of terms they may serve. A
236 meeting of the policy advisory committee may be called by the state 911 commission
237 chairperson, vice chairperson, or 3 of its members. Members of the policy advisory committee
238 shall receive no compensation, but shall be reimbursed for their expenses actually and
239 necessarily incurred in the discharge of their duties. The advisory board shall review all issues
240 relative to industry interaction and network compatibility with the current enhanced 911
241 system, and with next generation 911. The policy advisory committee shall file a written report
242 annually with the state 911 commission and the state 911 department.

243 (d) The department shall coordinate and effect the implementation of enhanced 911 service,
244 and administer such service in the commonwealth. The department, with the commission's
245 approval, shall promulgate rules and regulations for the administration of such service in

246 accordance with chapter 30A, including technical and operational standards for the
247 establishment of public safety answering points which utilize enhanced 911 service features in
248 accordance with section 14A of chapter 166 and sections 18A to 18J of this chapter. Cities and
249 towns shall comply with such standards in the design, implementation and operation of public
250 safety answering points. The department may inspect each public safety answering point that
251 utilizes enhanced 911 network features to determine if it meets the requirements of said section
252 and all other technical and operational standards required by law. In implementing wireless
253 enhanced 911 service and enhanced 911 for IP-enabled services, the department shall
254 promulgate rules and regulations consistent with the provisions required by the FCC.

255 (e) The number of public safety answering points and enhanced 911 answering positions at
256 primary and regional public safety answering points shall be determined by the department
257 according to a formula that takes into account cost, call volume, population, efficiency and the
258 public safety needs of cities and towns. Applications for secondary public safety answering
259 points shall be reviewed and approved by the department. The PSAP customer premises
260 equipment, installation and operation costs of secondary public safety answering points shall be
261 the responsibility of the applicant; provided however that the department may provide such
262 equipment and related maintenance if the applicant so requests and meets eligibility
263 requirements established by the department in standards approved by the commission. Network
264 and database services for secondary public safety answering points shall be provided as
265 approved by the department. Applications for regional secondary public safety answering points
266 shall be reviewed and approved by the department. The PSAP customer premises equipment
267 and installation of such equipment shall be provided by the department from the development
268 grant set forth in subsection (h)(5) of this section in accordance with guidelines to be established

269 by the department with the commission's approval. Network and database services for regional
270 secondary public safety answering points shall be provided as approved by the department.

271 (f) The department shall disburse funds from the enhanced 911 fund for prudently-incurred
272 expenses associated with: the lease, purchase, upgrade or modification of primary and regional
273 public safety answering point PSAP customer premises equipment and the maintenance of such
274 equipment; network development, operation and maintenance; database development, operation,
275 and maintenance; training of 911 telecommunicators regarding the receipt and use of enhanced
276 911 service information; education of consumers regarding the operation, limitation, role and
277 responsible use of enhanced 911 service; grants associated with enhanced 911 service as set
278 forth in subsection (h) of this section and any other grant approved by the department associated
279 with providing enhanced 911 service in the commonwealth; the recurring and nonrecurring
280 costs of communication services providers in providing enhanced 911 service in the
281 commonwealth to the extent required by federal or Massachusetts law or regulation or federal or
282 Massachusetts agency decision or order; and other expenses incurred by the state 911
283 department in administering and operating the enhanced 911 system in the commonwealth.

284 (g) The department, with the commission's approval, shall establish: performance measure
285 standards for the enhanced 911 service provider for network, database, and PSAP customer
286 premises equipment and associated maintenance services; service level standards for
287 communication services providers for providing enhanced 911 service in the commonwealth
288 including but not limited to standards for the provision of enhanced 911 access for the disabled
289 community; certification requirements for enhanced 911 telecommunicators, including but not
290 limited to emergency medical dispatch and quality assurance of emergency medical dispatch
291 programs; standards requiring public safety answering points to have certified emergency

292 medical dispatch personnel or to provide emergency medical dispatch through a certified
293 emergency medical dispatch resource; and guidelines for developing and administering any
294 grant authorized in subsection (h) of this section, or any other grant associated with providing
295 enhanced 911 service in the commonwealth approved by the commission and the department of
296 telecommunications and cable upon the petition of the department, including but not limited to
297 provisions requiring municipalities to provide documentation of expenditures. The department
298 of telecommunications and cable shall conduct its review and issue a decision within 90 days of
299 the date the department files its petition; provided however that the request for approval shall be
300 deemed approved if the department of telecommunications and cable does not issue its decision
301 within such 90 day time frame. The department shall initiate a voluntary program in which
302 municipalities may contribute timely address information to support the enhanced 911 database.

303 (h) The department shall review and assess the technological and operational capability and
304 financial feasibility of wireless 911 calls being routed to and handled directly by the public
305 safety answering point in which the caller is located, and if such capability exists, the
306 department shall establish standards, with the commission's approval, by which such public
307 safety answering points may receive wireless calls. The department shall review and assess new
308 communications technologies that may include but are not limited to wireless, video,
309 broadband, and IP-based applications that may serve as the next generation 911 technology
310 platforms.

311 (i) The department shall develop and administer grant programs to assist public safety
312 answering points and regional emergency communication centers in providing enhanced 911
313 service, and to foster the development of regional public safety answering points, regional
314 secondary public safety answering points, and regional emergency communication centers. The

315 following grant programs shall be funded by the department as specified, and the department
316 may add necessary personnel to develop and administer such grant programs.

317 (1) The Public Safety Answering Point and Regional Emergency Communication Center
318 Training Grant shall reimburse primary, regional and regional secondary public safety
319 answering points and regional emergency communication centers for allowable expenses
320 related to the training and certification of enhanced 911 telecommunicators. Funds shall
321 be disbursed according to a formula that weighs both population served and 911 call
322 volume, unless a different formula is approved by the commission. Five percent of the
323 total surcharge revenues of the previous fiscal year shall be allocated to this grant, unless
324 such percentage is otherwise increased by the approval of the commission for the
325 purposes of this grant. Any such increase to a level of 7.5 percent or more shall also be
326 approved by the department of telecommunications and cable, upon petition of the
327 department. The department of telecommunications and cable shall conduct its review
328 and issue a decision within 90 days of the date the department files its petition; provided
329 however that the request for approval shall be deemed approved if the department of
330 telecommunications and cable does not issue its decision within such 90 day time frame.
331 The department, with commission approval, may decrease such percentage in any fiscal
332 year for budgetary reasons, but to a level no less than 3.75 percent of the total surcharge
333 revenues of the previous fiscal year.

334 (2) The Public Safety Answering Point and Regional Emergency Communication Center
335 Support Grant shall reimburse primary, regional and regional secondary public safety
336 answering points and regional emergency communication centers for allowable expenses
337 related to enhanced 911 telecommunicator personnel costs, and the acquisition and

338 maintenance of heat, ventilation and air-conditioning equipment and other
339 environmental control equipment, computer-aided dispatch systems, console furniture,
340 dispatcher chairs, radio consoles, and fire alarm receipt and alert equipment associated
341 with providing enhanced 911 service. In addition, the grant shall reimburse regional
342 public safety answering points and regional emergency communication centers for
343 allowable expenses related to the acquisition and maintenance of public safety radio
344 systems. Also, the grant shall reimburse regional secondary public safety answering
345 points for allowable expenses related to PSAP customer premises equipment
346 maintenance. Further, the grant shall reimburse primary, regional, and regional
347 secondary public safety answering points and regional emergency communication
348 centers for any other equipment and related maintenance associated with providing
349 enhanced 911 service as approved by the department. Funds shall be disbursed
350 according to a formula that weighs both population served and 911 call volume, unless a
351 different formula is approved by the commission. Twenty-five percent of the total
352 surcharge revenues of the previous fiscal year shall be allocated to this grant, unless such
353 percentage is otherwise increased by the approval of the commission for the purposes of
354 this grant. Any such increase to a level of 31.25 percent or more shall also be approved
355 by the department of telecommunications and cable, upon petition of the department.
356 The department of telecommunications and cable shall conduct its review and issue a
357 decision within 90 days of date the department files its petition; provided however that
358 the request for approval shall be deemed approved if the department of
359 telecommunications and cable does not issue its decision within such 90 day time frame.
360 The department, with commission approval, may decrease such percentage in any fiscal

year for budgetary reasons, but to a level no less than 18.75 percent of the total surcharge revenues of the previous fiscal year. In the guidelines administering this grant, the department may include provisions to increase the allocation of funds to primary public safety answering points provided under this grant that dispatch police, fire protection and emergency medical services, taking into account where any such services are provided by a private safety department. In addition, in such guidelines the department may include provisions to increase the allocation of funds to regional secondary public safety answering points that dispatch any combination of regional police, fire protection or emergency medical services.

(3) The Wireless State Police Public Safety Answering Point Grant shall reimburse the wireless state police public safety answering points for allowable expenses related to enhanced 911 telecommunicator personnel costs, training and certification of enhanced 911 telecommunicators, and the acquisition and maintenance of heat, ventilation and air-conditioning equipment, computer-aided dispatch systems, console furniture, dispatcher chairs, radio consoles, and fire alarming receipt and alert equipment associated with providing enhanced 911 service. The grant shall also reimburse such public safety answering points for any other equipment and related maintenance associated with providing enhanced 911 service as approved by the department. Four percent of the total surcharge revenues of the previous fiscal year shall be allocated to this grant, unless such percentage is otherwise increased by the approval of the commission for the purposes of this grant. Any such increase to a level of 6 percent or more shall also be approved by the department of telecommunications and cable, upon the petition of the department. The department of telecommunications and cable shall conduct its review and issue a

384 decision within 90 days of the date of the filing of the petition; provided however that
385 the request for approval shall be deemed approved if the department of
386 telecommunications and cable does not issue its decision within such 90 day time frame.
387 The department, with commission approval, may decrease such percentage in any fiscal
388 year for budgetary reasons, but to a level no less than 2 percent of the total surcharge
389 revenues of the previous fiscal year. In the guidelines administering this grant, the
390 department may include provisions to increase the allocation to the wireless state police
391 public safety answering points to account for such public safety answering points
392 handling of wireline 911 calls for municipalities.

393 (4) The Regional Public Safety Answering Point and Regional Emergency

394 Communication Center Incentive Grant shall provide regional public safety answering
395 points and regional emergency communication centers with funds in addition to amounts
396 allocated as part of the Public Safety Answering Point and Regional Emergency
397 Communication Center Support Grant to be used for reimbursement of expenses
398 specified in the Support Grant for regional public safety answering points and regional
399 emergency communication centers in the following amounts: (i) for regional public
400 safety answering points serving 2 municipalities, $\frac{1}{2}$ of 1 percent of the total surcharge
401 revenues of the previous fiscal year; (ii) for regional public safety answering points
402 serving 3 to 9 municipalities, 1 percent of the total surcharge revenues of the previous
403 fiscal year; (iii) for regional public safety answering points serving 10 or more
404 municipalities, $1\frac{1}{2}$ percent of the total surcharge revenues of the previous fiscal year;
405 and (iv) for regional emergency communication centers, 2 percent of the total surcharge
406 revenues of the previous fiscal year. The percentages in each category may be adjusted

407 by the commission to ensure a proper allocation of incentive funds as more regional
408 public safety answering points and regional emergency communication centers are
409 added. Any such adjustments that increase the initial total allocation of the incentive
410 grant by 10 percent or more shall be approved by the department of telecommunications
411 and cable, upon the petition of the department. The department of telecommunications
412 and cable shall conduct its review and issue a decision within 90 days of the date of the
413 filing of the petition; provided however that the request for approval shall be deemed
414 approved if the department of telecommunications and cable does not issue its decision
415 within such 90 day time frame.

416 (5) The Regional and Regional Secondary Public Safety Answering Point, and Regional
417 Emergency Communication Center Development Grant shall support the development
418 and startup of regional and regional secondary public safety answering points, and
419 regional emergency communication centers, including the expansion or upgrade of
420 existing regional and regional secondary public safety answering points, to maximize
421 effective emergency 911 and dispatch services as well as regional interoperability. The
422 eligibility for, criteria, amount, and allocation of funding shall be contained in guidelines
423 established by the department with commission approval. The grant shall reimburse
424 allowable expenses related to such development and startup, or expansion or upgrade.
425 Any subsequent adjustments that increase the initial funding allocated to this grant by 10
426 percent or more shall be approved by the department of telecommunications and cable,
427 upon the petition of the department. The department of telecommunications and cable
428 shall conduct its review and issue a decision within 90 days of the date of the filing of
429 the petition; provided however that the request for approval shall be deemed approved if

430 the department of telecommunications and cable does not issue its decision within such
431 90 day time frame.

432 (j) The department shall file a written annual report to the governor and shall file a copy thereof
433 with the state secretary, the chairpersons of the joint committee on public safety and homeland
434 security, the chairperson of the house ways and means committee, the chairperson of the senate
435 ways and means committee, the clerk of the house of representatives and the clerk of the senate.
436 The department shall review and monitor the expenditures incurred under the grant programs
437 established in section 18B of this chapter to ensure compliance with grant guidelines. The
438 department shall include a reporting of grant expenditures by municipality in the said written
439 annual report.

440 (k) The department is hereby authorized to enter into contracts and agreements with, and accept
441 gifts, grants, contributions, and bequests of funds from, any department, agency, or subdivision
442 of federal, state, county, or municipal government and any individual, foundation, corporation,
443 association, or public authority for the purpose of providing or receiving services, facilities or
444 staff assistance in connection with its work. Such funds shall be deposited with the state
445 treasurer and credited to the enhanced 911 fund.

446 (l) No provision of this section shall be construed or interpreted to alter the regulation of
447 providers of telecommunications services under chapter 159, nor shall chapter 159 have the
448 effect of regulating the rates, terms, and conditions of interconnected VoIP provider service or
449 IP-enabled services.

450 (m) The department shall work with the Massachusetts Office on Disability, the Massachusetts
451 Commission for the Deaf and Hard of Hearing, the disability community and with cities and
452 towns to ensure that communication services providers are aware of the availability and use of

453 adaptive technology, and to ensure that enhanced 911 service is accessible to people with
454 disabilities.

455 **SECTION 4.** Said chapter 6A is hereby amended by striking out section 18C, as so appearing,
456 and inserting in place thereof the following section:-

457 Section 18C. (a) Each public safety answering point shall be capable of transmitting a request
458 for law enforcement, fire fighting, medical, ambulance or other emergency services to a public
459 or private safety department that provides the requested services.

460 (b) Each primary and regional public safety answering point shall be equipped with a system
461 approved by the department for the processing of requests for emergency services from people
462 with disabilities.

463 (c) Except as approved by the department, no person shall permit an automatic alarm or other
464 alerting device to dial the numbers 911 automatically or provide a prerecorded message in order
465 to access emergency services directly.

466 (d) A public safety department or private safety department that receives a request for
467 emergency service outside of its jurisdiction shall promptly forward the request to the public
468 safety answering point or public safety department responsible for that geographical area. Any
469 emergency unit dispatched to a location outside its jurisdiction in the commonwealth in
470 response to such request shall render service to the requesting party until relieved by the public
471 safety department responsible for that geographical area.

472 (e) Municipalities may enter into written cooperative agreements to carry out the provisions of
473 subsections (a), (b), and (d).

474 **SECTION 5.** Said chapter 6A is hereby amended by striking out section 18D, as so appearing,
475 and inserting in place thereof the following section:-

476 Section 18D. (a) Each municipality in the commonwealth, pursuant to the requirements of
477 chapter 150E, shall establish, staff, and operate, in conjunction with one or more other
478 municipalities or governmental bodies, as determined by the department, or by itself, a public
479 safety answering point on a 24 hour a day, 7 days a week basis, in a manner and according to a
480 schedule to be approved by the department.

481 (b) The department shall review each proposed municipal or regional plan to determine if it
482 meets the requirements of law, and the technical and operational standards established by the
483 department. The department shall require primary and regional public safety answering points to
484 display automatic number identification, automatic location identification and may require other
485 enhanced 911 features that are or may become available and set forth in the department's
486 regulations, standards and guidelines for administration of statewide E911 services. The primary
487 and regional public safety answering point shall be designed according to the plan as specified
488 in subsection (c).

489 (c) The department shall develop and maintain a statewide plan for the implementation and
490 maintenance of enhanced 911 service including next generation 911 and IP-enabled 911
491 services, and if the technological and operational capability and financial feasibility exists, the
492 routing of 911 wireless calls to primary and regional public safety answering points. Such plan
493 shall include the following:

494 (1) A division of the commonwealth into geographical segments. An enhanced 911
495 system shall be established for each municipality, or by groups of municipalities, or by
496 other governmental bodies, or groups of other governmental bodies, or by a combination
497 of municipalities or governmental bodies, as specified and approved by the department.

(2) An implementation schedule, developed after consultation with communication services providers for the sequence of converting to enhanced 911 systems or next generation 911 systems.

(3) A designation within each enhanced 911 system, of the municipalities and the public safety departments within such municipalities, to serve as the primary or regional public safety answering points. The department shall also evaluate the need for secondary and regional secondary public safety answering points in municipalities which have requested them. It shall be the responsibility of the department to make the final determination regarding the total number and location of such public safety answering points.

(4) The department shall, no later than September thirtieth of each year, review the existing configuration of primary, regional, regional secondary, limited secondary, and ringing public safety answering points and develop changes or recommendations for change by December 31 of each year.

SECTION 6. Said chapter 6A is hereby amended by striking out section 18E, as so appearing, and inserting in place thereof the following section:-

Section 18E. The attorney general may, at the request of the department or on his own initiative, institute civil proceedings against any municipality or other governmental body operating a public safety answering point, or any enhanced 911 provider or communication services provider, to enforce the provisions of the sections under this chapter.

SECTION 7. Section 18F of said chapter 6A is hereby repealed.

SECTION 8. Said chapter 6A is hereby amended by striking out section 18G, as so appearing, and inserting in place thereof the following section:-

521 Section 18G. The department shall require that each public safety answering point that
522 possesses enhanced 911 service shall retain 911 recordings for a period of not less than 1 year.

523 **SECTION 9.** Said chapter 6A is hereby amended by striking out section 18H, as so appearing,
524 and inserting in place thereof the following section:-

525 Section 18H. (a) There shall be imposed on each subscriber or end user whose communication
526 services are capable of accessing and utilizing an enhanced 911 system, a surcharge in the
527 amount of 75 cents per month for expenses associated with services provided pursuant to
528 sections 18A through 18J of this chapter and sections 14A and 15E of chapter 166. For wireline
529 enhanced 911 service, the charge shall be imposed on each voice grade exchange telephone line
530 of business and residence customers within the commonwealth; but the surcharge applicable to
531 centrex service and ISDN primary rate interface service shall be based on an equivalency ratio
532 provided to each private branch exchange trunk. For wireless enhanced 911 service, the charge
533 shall be imposed per wireless mobile telephone number, based on the area code chosen by the
534 subscriber or end user. With the approval of the department, a wireless carrier may impose this
535 surcharge based on the subscriber's or end user's billing address. For interconnected VoIP
536 provider service, the charge shall be imposed on each voice grade telephone line of business and
537 residence customers within the commonwealth; but the surcharge applicable to such
538 interconnected VoIP provider service that is comparable to centrex service and ISDN primary
539 rate interface service associated with wireline enhanced 911 service shall be based on an
540 equivalency ratio similar to that used for wireline enhanced 911 service. For IP-enabled service,
541 the charge shall be imposed based on the subscriber's or end user's Massachusetts billing
542 address. For prepaid wireless service, the Department shall promulgate regulations establishing
543 an equitable and reasonable method for the remittance and collection of the surcharge or

544 surcharge amounts for such service. Said regulations shall be promulgated for effect on July 1,
545 2009. Until such time, the providers of prepaid wireless service shall not be subject to the
546 provisions of section 18H of this chapter, except for section 18H(g) of said chapter. For all other
547 services not identified above, the surcharge shall be imposed based on the subscriber's
548 Massachusetts billing address.

549 The surcharge shall be collected by the communication service provider and shall be shown on
550 the subscriber's or end user's bill as "Disability Access/Enhanced 911 Service Surcharge", or
551 the appropriate abbreviation. The surcharge shall not be subject to sales or use tax. The
552 subscriber or end user shall be liable for the surcharge imposed under this section. Partial
553 subscriber or end user payments shall be first applied to outstanding communication service
554 provider charges.

555 (b) The department may petition the department of telecommunications and cable for an
556 adjustment in the surcharge established in subsection (a) of this section. The department of
557 telecommunications and cable shall be responsible for establishing the new surcharge, and all
558 future surcharges, upon petition of the department. The department of telecommunications and
559 cable, at its discretion but not more than once per calendar year, may investigate the prudence
560 of the department's revenue and expenditures for the purpose of recalculating the surcharge,
561 and may hire experts to assist in its investigation. The reasonable cost of the experts shall be
562 charged to the enhanced 911 fund, but in no event shall such cost exceed \$200,000, which may
563 be adjusted to reflect changes in the consumer price index. The department of
564 telecommunications and cable shall conduct its review and issue a decision within 90 days of
565 the date of the commencement of the investigation; provided however that the surcharge shall
566 be deemed approved if the department of telecommunications and cable does not issue its

567 decision within such 90 day time frame. The department of telecommunications and cable shall
568 promulgate rules that provide for the funding of prudently incurred expenses associated with
569 services provided by sections 18A through 18J of this chapter, and sections 14A and 15E of
570 chapter 166, by means of the surcharge. The department shall report annually to the department
571 of telecommunications and cable on the financial condition of the enhanced 911 fund and on
572 the department's assessment of new developments affecting the enhanced 911 system. Such
573 report shall be submitted to the department of telecommunications and cable within 60 days of
574 the end of each fiscal year. The department of telecommunications and cable shall annually
575 report to the general court concerning the financial condition of the enhanced 911 fund.

576 (c) The department shall seek the approval of the department of telecommunications and cable
577 for projected total expenditures that exceed total expenditures of the previous fiscal year by 10
578 percent or more. The department of telecommunications and cable may investigate the
579 reasonableness of the expenditures and shall conduct its review and issue a decision within 90
580 days from the date the department files its request for approval; provided however that the
581 request for approval shall be deemed approved if the department of telecommunications and
582 cable does not issue its decision within such 90 day time frame. The department of
583 telecommunications and cable shall notify the department of its intent to investigate within 20
584 days of the date the department files its request of approval. The department's request for
585 approval shall be deemed approved in the absence of the department of telecommunication and
586 cable's notification to the department of its intent to investigate. If the department of
587 telecommunication and cable notifies the department that it intends to investigate an
588 expenditure, the department of telecommunications and cable may hire experts to assist in its
589 investigation. The reasonable cost of the experts shall be charged to the enhanced 911 fund,

590 but in no event shall such cost exceed \$200,000, which may be adjusted to reflect changes in
591 the consumer price index.

592 (d) Each communication service provider shall remit the surcharge revenues collected from its
593 subscribers or end users to the state treasurer for deposit in the enhanced 911 fund. The
594 surcharge revenues shall be expended for the administration and programs of the department,
595 including but not limited to, salaries, enhanced 911 training programs, enhanced 911 public
596 education programs, the creation of, PSAP customer premises equipment for, and maintenance
597 of primary and regional public safety answering points, the programs mandated by section 18B
598 of this chapter and sections 14A and 15E of chapter 166, and for the implementation and
599 administration of enhanced 911 service in the commonwealth.

600 (e) Each communication service provider required to remit surcharge revenues shall submit to
601 the department and the department of telecommunications and cable information on its business
602 entity, including but not limited to, name, business address, contact person, and the telephone
603 number, fax number, and e-mail address of such contact person. Each such provider shall
604 update this information annually.

605 (f) Each communication service provider shall report to the department on a monthly basis the
606 total surcharge revenues collected from its subscribers or end users during the preceding month,
607 the total uncollected surcharge revenues from subscribers or end users during the preceding
608 month, the total amount billed to the department for administration costs to cover the expenses
609 of billing, collecting and remitting the surcharge during the preceding month, and the total
610 amount billed to the department for non-recurring and recurring costs associated with any
611 service, operation, administration or maintenance of enhanced 911 service during the preceding
612 month. Notwithstanding any general or special law to the contrary, such monthly report shall

613 not be a public record.

614 (g) A communication service provider shall forward to any public safety answering point or any
615 other answering point equipped for enhanced 911 service, the telephone number and street
616 address of any telephone used to place a 911 call, or any other data or information used to place
617 such call.

618 Subscriber or end user information or data provided in accordance with this section shall be
619 used only for the purpose of responding to emergency calls or for use in any ensuing
620 investigation or prosecution, including the investigation of false or intentionally misleading
621 reports of incidents requiring emergency service. No communication service provider, and its
622 officers, directors, employees, vendors, and agents, shall be liable in any action to any person
623 for releases of information as permitted in this section. Release to or use by any person of a
624 communication service provider's subscriber or end user information or data for any use other
625 than administering and operating the enhanced 911 system and providing enhanced 911 service
626 is prohibited. Notwithstanding any general law or special law to the contrary, such information
627 or data shall not be a public record, except that aggregated information that does not identify or
628 effectively identify specific subscriber or end user information or data may be made public.

629 (h) The department shall examine call volumes of all primary, regional, and regional secondary
630 public safety answering points, and the population changes of the municipalities they serve, and
631 may use such information in determining the disbursement of funds set forth in section 18B of
632 this chapter.

633 **SECTION 10.** Section 18H1/2 of said chapter 6A is hereby repealed.

634 **SECTION 11.** Said chapter 6A is hereby amended by striking out section 18I, as so appearing,
635 and inserting in place thereof the following section:-

636 Section 18I. Notwithstanding any general or special law to the contrary, a municipality or other
637 governmental body, pursuant to the requirements of chapter 150E, may modify, change or alter
638 communication equipment used in the municipality's or other governmental body's enhanced
639 911 system in order to permit the monitoring of emergency 911 communications by the fire
640 department of the municipality or other governmental body at a secure location staffed at all
641 times by fire department personnel fully trained in such monitoring. The emergency 911
642 communications shall be monitored in a manner that prevents any broadcast of them to the
643 general public. The secure location used for monitoring emergency 911 communications shall
644 be restricted to trained fire department personnel when such communications are being
645 monitored. No such modification or change in a municipality's or other governmental body's
646 wireline carrier equipment or enhanced 911 system shall cause any degradation of the state's
647 911 system.

648 **SECTION 12.** Said chapter 6A is hereby amended by inserting after section 18I the following
649 section:-.

650 Section 18J. Beginning July 1, 2009, any new or substantially renovated multi-line telephone
651 system shall provide the same level of enhanced 911 service that is provided to others in the
652 commonwealth. The department shall adopt regulations to implement this requirement. In the
653 said regulations the department may exempt certain multi-line telephone systems from the
654 above requirement based on such factors as costs and the public benefits of compliance, except
655 that accessibility of such a system to people with disabilities may only be waived when the
656 proponent of the waiver has shown it to be technologically infeasible or of excessive cost
657 without benefit to the disability community. For the purposes of this section, a multi-line
658 telephone system shall mean a system comprised of common control units, telephones, and

659 control hardware and software providing local telephone service to multiple end-use customers
660 in businesses, apartments, townhouses, condominiums, schools, dormitories, hotels, motels,
661 resorts, extended care facilities, or similar entities, facilities, or structures. Multi-line telephone
662 system includes: (1) network and premises based systems such as centrex, pbx, and hybrid key
663 telephone systems; and (2) systems owned or leased by governmental agencies, nonprofit
664 entities, and for-profit businesses.

665 **SECTION 13.** Chapter 269 of the General Laws, as appearing in the 2006 Official Edition, is
666 hereby amended by inserting after section 14A the following section:-

667 Section 14B. As used in this section, the following words shall have the following meanings:

668 “Emergency response services provider”, a police department, fire department, emergency
669 medical service provider, public safety answering point, public safety department, private safety
670 department, or other public safety agency.

671 “Public safety answering point”, a facility assigned the responsibility of receiving 911 calls and,
672 as appropriate, directly dispatching emergency response services or transferring or relaying
673 emergency 911 calls to other public or private safety agencies or other public safety answering
674 points.

675 “Silent call”, a call or other communication made to a public safety answering point in which
676 the initiating party willfully does not provide information regarding his or her identity or
677 location or the nature of the emergency. The initiating party shall not be considered to have
678 provided any information that is automatically transmitted by a communication device or
679 network upon connection with a public safety answering point, including, but not be limited to,
680 automatic location information and automatic number information.

681 (a) Whoever willfully communicates with or otherwise causes a communication with a public
682 safety answering point, either directly or indirectly, that (1) harasses or threatens one or more
683 persons working with or for an emergency response services provider, or (2) knowingly
684 communicates a false alarm or complaint or other false information, or (b) whoever willfully
685 makes silent calls or, directly or indirectly, causes silent calls to be made to one or more public
686 safety answering points for the purpose of causing the dispatch of an emergency response
687 services provider when no emergency exists, shall be punished by imprisonment in a jail or
688 house of correction for not more than 1 year, or by a fine of not more than 1,000 dollars, or by
689 both such fine and imprisonment. Any person convicted of violating this section after one or
690 more prior convictions shall be punished by imprisonment in a jail or house of correction for not
691 more than 2 ½ years, or by a fine of not more than 5,000 dollars, or by both such fine and
692 imprisonment.

693 (b) After any conviction under this section, the court shall conduct a hearing to ascertain the
694 extent of costs incurred, and damages and financial loss sustained by any emergency response
695 services provider as a result of the violation and shall, in all cases, order the person convicted of
696 violating this section to make restitution to the emergency response services provider or
697 providers for any such costs, damages or loss. Restitution shall be imposed in addition to any
698 imprisonment or fine, and not in lieu thereof; however, the court shall consider the defendant's
699 present and future ability to pay restitution in its determinations regarding a fine. In determining
700 the amount, time and method of payment of restitution, the court shall consider the financial
701 resources of the defendant and the burden restitution will impose on the defendant.

702 **SECTION 14.** Chapter 166 of the General Laws is hereby amended by striking out section
703 14A, as appearing in the 2006 Official Edition, and inserting in place thereof the following

704 section:-

705 Section 14A. (a) In order to establish statewide enhanced 911 service, upon the written request
706 of the state 911 department, established by section 18B of chapter 6A, hereinafter referred to as
707 the department, each telephone company providing local exchange service in the state shall
708 provide and maintain enhanced 911 service in compliance with a schedule established by the
709 department after consultation with the phone company.

710 (b) Each municipality in the commonwealth shall be served by a primary or regional public
711 safety answering point, that utilizes enhanced 911 network features in accordance with the
712 implementation schedule established by the department under the provisions of section 18D of
713 chapter 6A.

714 (c) No provision of law shall be construed to prohibit or discourage the formation of multi-
715 department, multi-jurisdictional or regional public safety answering points, or regional
716 emergency communication centers. Any public safety answering point may serve the
717 jurisdiction of more than one public department or a segment of the jurisdiction of a
718 municipality.

719 (d) A telephone company shall forward to any public safety answering point or any other
720 answering point equipped for enhanced 911 service, the telephone number and street address of
721 any telephone used to place a 911 call. Subscriber information provided in accordance with this
722 section shall be used only for the purpose of responding to emergency calls or for use in any
723 ensuing investigation or prosecution, including the investigation of false or intentionally
724 misleading reports of incidents requiring emergency service. No telephone company, nor the
725 agents of any telephone companies, shall be liable in any action to any person for releases of
726 information as permitted in this section.

727 (e) As enhanced 911 service becomes available and where facilities are available, each
728 telephone company and owner of a private coin telephone in the state shall convert each public
729 coin or coinless telephone within areas served by such enhanced 911 service to dial tone first
730 capability, which will allow a caller to dial 911 without first inserting a coin or paying any other
731 charge. Each provider of public coin or coinless telephone shall provide access to enhanced 911
732 service, and prominently display instructions on how to use such system.

733 **SECTION 15.** Said chapter 166 is hereby amended by striking out section 15E, as so
734 appearing, and inserting in place thereof the following section:-

735 Section 15E. (a) As used in this section, the following words shall, unless the context requires
736 otherwise, have the following meanings:--

737 “Captioned telephone”, an amplified telecommunications device with a text display that permits
738 the user to both listen to what is said over the telephone and simultaneously read captions of
739 what the other person is saying allowing the hard of hearing person to utilize captioned
740 telephone service.

741 “Captioned telephone service”, an enhanced voice carry over telecommunications relay service,
742 a system which uses third party intervention to connect persons with a hearing disability but
743 with some residual hearing to engage in communication by wire or radio with a hearing
744 individual in a manner that is functionally equivalent to the ability of an individual who does
745 not have a hearing disability to communicate using voice communication services by wire or
746 radio.

747 "Common carrier", as the term is used in chapters 159 and 166, and referring to a business in the
748 commonwealth that is a provider of local exchange service, so-called, to 1,000 or more
749 subscribers. For the purposes of this section, the term shall also include a municipal lighting

750 plant or cooperative that operates a telecommunications system pursuant to section 47E of
751 chapter 164.

752 “Communication services”, includes any of the following: (a) the transmission, conveyance, or
753 routing of real-time, two-way voice communications to a point or between or among points by
754 or through any electronic, radio, satellite, cable, optical, microwave, wireline, wireless, or other
755 medium or method, regardless of the protocol used; (b) the ability to provide two-way voice
756 communication on the public switched network; (c) wireless enhanced 911 service; (d) wireline
757 enhanced 911 service; (e) interconnected VoIP provider service; (f) IP-enabled service; or (g)
758 prepaid wireless service.

759 “Communication Service Provider”, an entity that provides communication services to a
760 subscriber or end user.

761 "Deaf", a severe to profound hearing loss, which, in the majority of circumstances, resulting in
762 an inability to effectively use a conventional telephone without the assistance of a test telephone
763 or other nonvoice terminal device.

764 “Department” the State 911 department.

765 "Disability", a physical, cognitive, sensory or mental impairment that substantially limits one or
766 more major activity such as caring for oneself, performing manual tasks, walking, seeing,
767 hearing, breathing, learning and working, and results in an inability to use a telephone without
768 the assistance of specialized telephone equipment.

769 "Hard of hearing", a hearing loss, which, in the majority of circumstances, results in an inability
770 to effectively use a telephone without the assistance of a sound amplification control or
771 telephone without the use of a hearing aid and a hearing aid compatible handset.

772 "Hearing carry over" or "HCO", a form of telecommunications relay service, or TRS, where
773 the person with the speech disability is able to listen to the other end user and, in reply, the third
774 party speaks the text as typed by the person with the speech disability. The third party does not
775 type any conversation. Two-line HCO is an HCO service that allows TRS users to use one
776 telephone line for hearing and the other for sending text telephone, or TTY, messages. HCO-to-
777 TTY allows a relay conversation to take place between an HCO user and a TTY user. HCO-to-
778 HCO allows a relay conversation to take place between two HCO users.

779 "Public coin and coinless telephone service", telephones operated by coin or credit card located
780 in high volume traffic areas that return substantial revenue, including, but not limited to, police
781 stations, hospitals, airports, bus terminals, train stations, libraries, social security, medicaid and
782 medicare offices, and shopping centers.

783 "Semi-public coin and coinless telephone service", telephones operated by coin or credit card
784 located in low volume traffic areas that return moderate revenue, including, but not limited to,
785 convalescent homes, elderly housing complexes and small meeting houses.

786 "SCPE", specialized, customer-premises equipment, such as artificial larynxes, signaling
787 devices, amplified handset, telephones, hands-free telephones, text telephones, memory
788 telephones, direct telephone dialing, braille text telephones, captioned telephone, and other
789 devices which provide access to telephone networks for people with a hearing, speech, vision,
790 mobility or cognitive disability.

791 "SCPE distribution service", a system of administration and record keeping, as well as
792 distribution, repair and replacement of SCPE units for certified subscribers.

793 "Text telephone" or "TTY", a machine that employs graphic communication in the transmission
794 of coded signals through a wire or radio communication system. TTY supersedes the term
795 "TDD" or "telecommunications device for the deaf," and TT.

796 "Telecommunications relay service" or "TRS", a telephone transmission services that provide
797 the ability for an individual who has a hearing or speech disability to engage in communication
798 by wire or radio with a hearing individual in a manner that is functionally equivalent to the
799 ability of an individual who does not have a hearing or speech disability to communicate using
800 voice communication services by wire or radio. Such terms include services that enable two-
801 way communication between an individual who uses a text telephone or other nonvoice terminal
802 device and an individual who does not use such a device, speech-to-speech services, and non-
803 English relay services. TRS supersedes the terms "dual party relay system," "message relay
804 services," and "TDD Relay."

805 "Voice carry over service", or "VCO", a form of TRS where the person with the hearing
806 disability is able to speak directly to the other end user. The third party types the response back
807 to the person with the hearing disability. The third party does not voice the conversation. Two-
808 line VCO is a VCO service that allows TRS users to use one telephone line for voicing and the
809 other for receiving TTY messages. A VCO-to-TTY TRS call allows a relay conversation to take
810 place between a VCO user and a TTY user. VCO-to-VCO allows a relay conversation to take
811 place between two VCO users.

812 (b) The department shall provide and maintain a SCPE distribution service, and shall make such
813 services available to any residential subscriber who is (i) certified by the Massachusetts
814 commission on the deaf and hard of hearing as sufficiently deaf or hard of hearing to be in need
815 of SCPE equipment, (ii) certified by the Massachusetts commission for the blind as sufficiently
816 visually impaired to be in need of SCPE equipment, or (iii) certified by the Massachusetts
817 rehabilitation commission as otherwise sufficiently disabled to be in need of SCPE equipment.
818 Each commission may designate the department to administer the certification process required
819 under this section. For the purposes of making this certification, the respective aforementioned
820 commissions shall require a written verification of the alleged disabilities by a physician,
821 certified audiologist or optometrist, or other medical professional qualified to verify the
822 disability in question, and licensed to do business in the commonwealth. The department, upon
823 the request of a certified subscriber, shall provide SCPE equipment to the requesting subscriber;
824 provided, however that subject to the provisions of this subsection and subsection (c), the SCPE
825 distribution service shall include the reasonable distribution and replacement of SCPE
826 equipment free of charge, to certified subscribers. Such service shall be provided free of
827 charge, or at reduced rates if the department of telecommunications and cable first certifies that
828 said requesting subscriber is unable to afford said SCPE equipment at its full cost. Any reduced
829 rate shall be in accordance with a rate schedule established by the department of
830 telecommunications and cable.

831 (c) The department and the Massachusetts commission of the deaf and hard of hearing shall
832 review such services specified in subsection (b) and make recommendations to the department
833 of telecommunications and cable as to whether it conforms with the provisions herein. Said
834 department of telecommunications and cable shall promulgate rules and regulations necessary to

835 carry out the provisions of this section; provided, however, that prior to such implementation of
836 such services pursuant to subsection (b) the department and the Massachusetts commission on
837 the deaf and hard of hearing shall issue a request for proposals subject to the department of
838 telecommunications and cable's review and approval seeking competitive bids from qualified
839 vendors to provide the aforementioned services. Communications services providers shall be
840 permitted to submit a competitive bid to provide the aforementioned services. In any rate
841 proceeding conducted pursuant to chapter 159 of the General Laws in which a common carrier
842 seeks to reflect the costs for such services in rates said carrier shall submit to the department of
843 telecommunications and cable such information about said requests for proposals so that the
844 department of telecommunications and cable may determine said carrier is providing such
845 services at a cost to said carrier that reflects the least cost to its ratepayers with due regard for
846 standards of reliability and quality that are consistent with the public interest.

847 (d) The department shall encourage prospective vendors of telecommunications relay service to
848 provide such service from a center located within the commonwealth using residents of the
849 commonwealth as employees of said center. Preference in employment at said center shall be
850 given to people with disabilities as defined by this section. Specialty types of TRS shall not be
851 required to be provided from a telecommunications service center located in the commonwealth.

852 (e) The department and the Massachusetts commission of the deaf and hard of hearing shall
853 review such services and make recommendations to the department of telecommunications and
854 cable as to whether it conforms with the provisions herein. The department of
855 telecommunications and cable shall promulgate rules and regulations necessary to carry out the
856 provisions of this section; provided, however, that prior to such implementation of such services
857 pursuant to subsection (d) the department and the Massachusetts commission on the deaf and

858 hard of hearing shall issue a request for proposals subject to the department of
859 telecommunications and cable's review and approval seeking competitive bids from qualified
860 vendors to provide the aforementioned services. Communication services providers shall be
861 permitted to submit a competitive bid to provide the aforementioned services. In any rate
862 proceeding conducted pursuant to chapter 159 of the General Laws in which a common carrier
863 seeks to reflect the costs for such services in rates said carrier shall submit to the department of
864 telecommunications and cable such information about said requests for proposals so that the
865 department of telecommunications and cable may determine said carrier is providing such
866 services at a cost to said carrier that reflects the least cost to its ratepayers with due regard for
867 standards of reliability and quality that are consistent with the public interest.

868 (f) The department of telecommunications and cable, in accordance with its certification by the
869 FCC pursuant to 47 CFR 64.604 and 64.605(b), shall have general oversight over all aspects of
870 the provision of the SCPE and TRS programs, unless such certification is not renewed or is
871 revoked. Such oversight includes, but is not limited to, authority over the rates, terms, and
872 conditions, service quality, and enforcement of federal minimum standards for the provision of
873 such services.

874 (g) Any person, firm, corporation or other entity that provides public coin or coinless telephone
875 service or semi-public coin or coinless telephone service, shall provide and maintain its public
876 or semi-public telephones with a minimum of 25 percent of its public or semi-public telephones
877 with controls for sound amplification of incoming transmission consistent with Massachusetts
878 Architectural Access Code, codified at 521 CMR 1.0 et.seq.

879 (h) There shall be an advisory committee on accessibility to communication services for
880 disabled persons. Said advisory committee shall consist of the secretary of health and human

881 services or his designee; the commissioner of the Massachusetts commission for the deaf and
882 hard of hearing or his designee; the commissioner of the Massachusetts rehabilitation
883 commission or his designee; the commissioner of the Massachusetts commission for the blind or
884 his designee; the director of the Massachusetts office on disability or his designee; and 12
885 persons to be appointed by the governor, 2 of whom shall be persons who are deaf, 2 of whom
886 shall be persons who are hard of hearing, and 2 who are blind, 2 with other significant vision
887 impairments, 2 with impaired speech, and 2 with impaired mobility or motor skills. Each such
888 member of the advisory committee shall serve for a term of 3 years. The chairperson of the
889 advisory council shall be appointed by the governor and shall serve in this function for a term of
890 1 year. Said advisory council shall meet at least quarterly and shall make recommendations to
891 the department and the department of telecommunications and cable on all matters of policy
892 related to communication services and equipment for people with disabilities.

893 (i) The department and the department of telecommunications and cable shall each promulgate
894 necessary regulations relative to the provisions of this section after consultation with the
895 advisory committee on accessibility to telephone service for disabled persons.

896 **SECTION 16.** Section 35W of chapter 10 of the General Laws is hereby repealed.

897 **SECTION 17.** Section 35W1/2 of said chapter 10 is hereby repealed.

898 **SECTION 18.** Said chapter is hereby amended by inserting after section 35FF the following
899 section:-

900 Section 35GG. (a) There is hereby established and set up on the books of the commonwealth a
901 separate fund to be known as the enhanced 911 fund. There shall be credited to such fund all
902 revenues received by the commonwealth from surcharges imposed under section 18H of chapter
903 6A; from appropriations; from gifts, grants, contributions and bequests of funds from any

904 department, agency or subdivision of federal, state or municipal government, and any individual
905 foundation, corporation, association or public authority; revenue derived from the investment of
906 amounts credited to the fund; and any federal funds made available for emergency
907 telecommunication services. The fund shall be used solely for the purposes described in sections
908 18A through 18J of said chapter 6A.

909 (b) Amounts credited to the fund shall be available for expenditure by the state 911 department,
910 without further appropriation. The state 911 department shall report annually to the general
911 court its planned expenditures for the next fiscal year; the uses to which the fund was used in
912 the last fiscal year and the balance remaining in the fund; and the aggregate surcharges collected
913 in the last fiscal year based upon monthly reports of communication services providers as
914 required under subsection (f) of section 18H of chapter 6A. The report shall also include a
915 request, if necessary, for appropriation for deposit in the fund.

916 **SECTION 19.** Notwithstanding any general or special law to the contrary, balances as of June
917 30, 2008 in the Wireless Enhanced 911 Fund as established by chapter 61 of the acts of 2002,
918 and in the Wireline Enhanced 911 Fund as established by chapter 149 of the acts of 2004, shall
919 be transferred and deposited into the Enhanced 911 Fund as established by section 18 of this
920 act. All revenue remitted after June 30, 2008 from 911 surcharges in effect under sections 18H
921 and 18H1/2 of chapter 6A through June 30, 2008 shall be deposited into the enhanced 911 fund
922 established by section 18 of this act.

923 **SECTION 20.** Notwithstanding any general or special law to the contrary, this section shall
924 facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and
925 legal obligations of the statewide emergency telecommunications board, as the transferor
926 agency, to the state 911 department, as the transferee agency, as follows:

927 (a) Subject to appropriation, the employees of the statewide emergency telecommunications
928 board, including those who immediately before the effective date of this act hold permanent
929 appointment in positions classified under chapter 31 of the General Laws or have tenure in their
930 positions as provided by section 9A of chapter 30 of the General Laws or do not hold such
931 tenure, or hold confidential positions, are hereby transferred to the state 911 department,
932 without interruption of service within the meaning of said section 9A of said chapter 31, without
933 impairment of seniority, retirement or other rights of the employee, and without reduction in
934 compensation or salary grade, notwithstanding any change in title or duties resulting from such
935 reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits,
936 and without change in union representation or certified collective bargaining unit as certified by
937 the state labor relations commission or in local union representation or affiliation. Any
938 collective bargaining agreement in effect immediately before the transfer date shall continue in
939 effect and the terms and conditions of employment therein shall continue as if the employees
940 had not been so transferred. The reorganization shall not impair the civil service status of any
941 such reassigned employee who immediately before the effective date of this act either holds a
942 permanent appointment in a position classified under chapter 31 of the General Laws or has
943 tenure in a position by reason of section 9A of chapter 30 of the General Laws.

944 Notwithstanding any general or special law to the contrary, all such employees shall continue to
945 retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall
946 be considered employees for the purposes of said chapter 150E.

947 Nothing in this section shall be construed to confer upon any employee any right not held
948 immediately before the date of said transfer, or to prohibit any reduction of salary grade,

949 transfer, reassignment, suspension discharge layoff or abolition of position not prohibited before
950 such date.

951 (b) All petitions, requests, investigations and other proceedings appropriately and duly brought
952 before the statewide emergency telecommunications board or duly begun by the transferor
953 agency and pending before it before the effective date of this act, shall continue unabated and
954 remain in force, but shall be assumed and completed by the state 911 department.

955 (c) All orders, rules and regulations duly made and all approvals duly granted by the statewide
956 emergency telecommunications board, which are in force immediately before the effective date
957 of this act, shall continue in force and shall thereafter be enforced, until superseded, revised,
958 rescinded or canceled, in accordance with law, by the state 911 department .

959 (d) All books, papers, records, documents, equipment, buildings, facilities, cash and other
960 property, both personal and real, including all such property held in trust, which immediately
961 before the effective date of this act are in the custody of the statewide emergency
962 telecommunications board shall be transferred to the state 911 department.

963 (e) All duly existing contracts, leases and obligations of the statewide emergency
964 telecommunications board shall continue in effect but shall be assumed by the state 911
965 department. No existing right or remedy of any character shall be lost, impaired or affected by
966 this act.

967 (f) All references in any general or special law to the statewide emergency telecommunications
968 board or the principal officer thereof shall be deemed to refer to the state 911 department or the
969 principal officer thereof.

970 **SECTION 21.** Sections 1 through 14, sections 16 through 17, and section 20 of this Act shall
971 become effective on July 1, 2008.

972 **SECTION 22.** Sections 18 and 19 of this act shall become effective on June 10, 2008.

973 **SECTION 23.** Section 15 of this act shall become effective on January 1, 2009.